

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Herbert Koshgarian

90-03196

Name of Respondents

First Fidelity Capital Corporation
John Lattierre

REPRESENTATION

Claimant was represented by Michael Wasserman, Esq. of Howard Mardell, Ltd., Chicago, Illinois.

Respondents did not appear.

CASE INFORMATION

Statement of Claim filed on or about November 13, 1990.

Claimant's Submission Agreement signed on November 5, 1990.

HEARING INFORMATION

The hearing was held on Friday, January 24, 1992 in Chicago, Illinois during a hearing lasting one (1) session.

CASE SUMMARY

Claimant alleged that an employee of Respondent First Fidelity Capital Corporation made unsuitable recommendations in connection with his purchase of Original Diet Pizza. Claimant also alleged that he was improperly solicited by the use of unreasonable "high Pressure" sales tactics; frequent and repeated promises and/or guarantees of profit; misstated stock prices; and were promised two point stop losses. Claimant further alleged that Respondents First Fidelity Capital Corporation and John Lattierre failed to supervise their employee, Thomas Francis.

Respondents did not file answers to the Statement of Claim.

RELIEF REQUESTED

Claimant requested an award of \$30,000.00 in compensatory damages, punitive damages in an unspecified amount, interest and attorney's fees.

OTHER ISSUES CONSIDERED & DECIDED

The panel has determined that Respondents First Fidelity Capital Corporation and John Lattierre have been properly served with the Statement of Claim pursuant to Sections 13 and 25 of the NASD Code of Arbitration Procedure ("the Code"). The panel has also determined that Respondents First Fidelity Capital Corporation and John Lattierre had received due notice of the hearing as required under Section 26 of the Code and that arbitration of the matter would proceed pursuant to Section 29 of the Code.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrator have decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents First Fidelity Capital Corporation and John Lattierre shall be and hereby are jointly and severally liable for and shall pay to the Claimant the sum of \$23,200.00.
2. Each party shall bear its own costs, expenses and attorney's fees incurred in this matter not specifically enumerated herein.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the NASD shall retain the non-refundable filing fee in the amount of \$100.00 and shall retain the hearing session deposit in the amount of \$300.00 previously deposited with the NASD by the Claimant. Forum Fees are calculated at the rate of \$400.00 per hearing session.

Fees are payable to the National Association of Securities Dealers, Inc.

Concurring Arbitrators' Signatures

Name

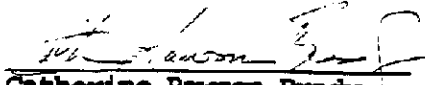
Public/Industry


Steven A. Bloomberg, Esq.
Presiding Chair

Public


John W. Cooley, Esq.

Public


Catherine Rawson Brady

Industry

Date of Decision: January 24, 1992